



Burien

Washington, USA

City of Burien

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January 2, 2015

TO: Burien City Council

FM: Kamuron Gurol, City Manager

RE: Trespass Ordinance Review Process

I am writing to provide a brief recap of the process city staff has undertaken in the last three months to respond to public comments regarding the adopted Trespass Ordinance.

Public input is vital to help inform the decisions and actions of public agencies including Burien. We appreciate the time and effort shown by members of the public and stakeholder groups to offer comment both supportive and critical of the Trespass Ordinance, and we believe comments have been offered in good faith. Some public policy decisions involve vigorous debate, a balancing of goals, and adopting policy that achieves those goals while ensuring consistency with legal requirements. While I acknowledge that some may disagree, I believe we are achieving that balance.

I'd also like to offer a few comments about the underpinnings of the Trespass Ordinance. The motivation was to create a helpful tool to help address behavior problems on public property. The trespass mechanism is a milder sanction than arrest and prosecution, and it has been successfully employed by other governmental entities [King County Library System (KCLS), Seattle Public Library, Metro Transit and others] for many years. Since we share the City Hall – Library building with KCLS, it was also important to employ rules and enforcement mechanisms as consistently as possible with our public partner. Both KCLS and city staff have needed to respond to behavior problems of the kind addressed in the Trespass Ordinance.

The comments about the Trespass Ordinance have been offered at City Council meetings, in online forums, and in an October 6, 2014 letter to Burien from the American Civil Liberties Union (ACLU) – Washington Chapter. Some comments stated strong support for the ordinance and recommended no changes.

Mostly the critical comments state that the adopted ordinance is vague (so the language would be hard to apply fairly), overly broad (so that behaviors that were not problematic or were protected would be subject to sanction), or that trespass warnings would be issued against homeless people unfairly or disproportionately. To respond to the critical comments, the following steps have been taken by city staff:

- Reviewed the ACLU letter and other public comments to identify issues and concerns.
- Met with the ACLU on November 5, 2014 for 90 minutes to discuss their concerns; the conversation was courteous and thorough.
- Followed up from the meeting with ACLU promptly by crafting and sending a set of proposed revisions to the ordinance for review and comment by the ACLU.
- These revisions are shown in the revised ordinance for the Council's consideration, and they address the concerns described above. See the Agenda Bill for a list of changes.
- Received comments from the ACLU that the staff-proposed changes were not sufficient; in turn, staff asked for ACLU's suggested language, and to date none has been offered.

While staff was not able to successfully negotiate revisions to the ordinance that were acceptable to the ACLU, we made repeated good faith efforts to do so. Staff believes the proposed changes, while not necessary to meet a legal need, are nevertheless helpful to ensure the policy direction and application of the trespass tool is done properly and consistent with the intent of the City Council. I encourage the City Council to consider adopting the proposed ordinance changes on January 5th.

Given that issues of homelessness have been part of the discussions on the Trespass Ordinance, I'd also like to remind us that Burien has undertaken several steps on this subject in the last few months. These include:

- The City Council held a Study Session on September 22, 2014 where comments and input from several experts on the challenges of homelessness were discussed.
- The Council directed staff to submit an application to the UW Evans School to craft a 'roadmap' to further inform the city's policies and goals on this subject. The application was approved and a kick-off meeting was recently held.
- The Council approved a 25% increase in the city's human services budget and gave direction that the additional funds be used consistent with the roadmap.
- Staff contracted with Auburn Youth Services to provide additional street outreach services to homeless and at-risk young people.

Again, staff appreciates the public input on these important subjects, and we stand ready to answer questions and provide information.